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Attorneys for Defendants Maryland Square Shopping Center, LLC,
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 Irwin Kishner, Jerry Engel, and Bank of America, as Trustees for
 The Herman Kishner Trust

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PETER J. VOGGENTHALER; et. al.
 Plaintiffs,
 vs.
 MARYLAND SQUARE, LLC; et. al.
 Defendants.

Case No.: 2:08-cv-01618-RCJ-(GWF)

**SUPPLEMENTAL JOINT STATUS
 REPORT**

AND RELATED CROSS AND THIRD PARTY
 CLAIMS

CONSOLIDATED WITH:

STATE OF NEVADA, DEPT. OF
 CONSERVATION AND NATURAL
 RESOURCES, et. al.
 Plaintiff,

Case No.: 3:09-cv-231-RCJ-(GWF)

vs.
 MARYLAND SQUARE SHOPPING CENTER,
 LLC, et. al.
 Defendants.

AND RELATED THIRD PARTY CLAIMS

1 The undersigned parties, Maryland Square Shopping Center, LLC, the Herman Kishner
 2 Trust d/b/a Maryland Square Shopping Center, Irwin Kishner, Jerry Engel and Bank of
 3 America, N.A.,¹ as Trustees for The Herman Kishner Trust (the “Kishner Defendants”), Patricia
 4 Leibovici, in her capacity as Special Administrator of the Estate of Melvin Shapiro,² and
 5 Shapiro Brothers Investment Co. (“SBIC”), Maryland Square LLC, and Nevada Division of
 6 Environmental Protection (collectively, the “Parties”), by and through their counsel of record,
 7 hereby submit this Supplemental Joint Status Report in further support of the Joint Status
 8 Report (Doc. 1014) submitted to the Court on December 13, 2013 and to assist the Court in
 9 advance of the Status Conference scheduled for February 13, 2014.

10 Since the submission of the December 13, 2013 Joint Status Report (Doc. 1014), two
 11 material developments have occurred. First, the parties and their various carrier representatives
 12 have scheduled a further round of in person mediation sessions with the mediator Robert J.
 13 Kaplan, Esq. in San Diego, California for March 13 and 14, 2014. Second, in the matter of
 14 *Hartford Fire Insurance Company, et al. v. Pacific Employers Insurance Company, et al.*, in the
 15 United States District Court, District of Nevada, Case No. 2:13-cv-00055-JCM-PAL (the
 16 “*Hartford Action*”), the Court recently granted the parties request for a further stay until March
 17 28, 2014. (See the Order filed 1/3/14 in the *Hartford Action*, attached hereto as Exhibit “A”.)

18 The parties to the Hartford Action include the Kishner Defendants, Patricia Leibovici, in
 19 her capacity as Special Administrator of the Estate of Melvin Shapiro, SBIC, Maryland Square
 20 LLC, and numerous insurance carriers. Given the common interests of the Parties to this action
 21 and the parties of the *Hartford Action* to reach a prospective settlement utilizing the continuing
 22 mediation services of Mr. Kaplan through the scheduled March 13 and 14, 2014 mediation, the
 23

24 ¹ On or about July 12, 2013, the Probate Court of the Eighth Judicial District Court, Clark
 25 County, Nevada, entered an Order, allowing Defendant Bank of America, N.A., as Trustee for
 26 Defendant Herman Kishner Trust, to withdraw as Trustee. Thereupon, Premier Trust, Inc., a
 27 Nevada corporation, was installed as a Trustee for Defendant Herman Kishner Trust. Defendant
 28 Herman Kishner Trust will seek the parties’ stipulation to the Court to allow the Court to Order
 a substitution of these parties.

² The Motion of Patricia Leibovici, in Her Capacity as Special Administrator of the Estate of
 Melvin Shapiro, to Substitute for Melvin Shapiro, Deceased, as a Party to This Action
 (Document 1016), was filed in this action on January 13, 2014.

undersigned Parties believe that the continued mediation efforts under the oversight of Mr. Kaplan and a stay of all litigation activities would serve the Court and the Parties' interests best by preserving the resources of the Parties and allowing the Parties to focus on the litigation and insurance issues which are the subject of mediation.

Accordingly, the Parties respectfully renew their request for the following:

- (1) The Parties shall provide the Court with a further joint status report by April 1, 2014 or as the Court may otherwise direct.
- (2) The Court shall stay all litigation activities, and specifically continue the filing and briefing schedule for Maryland Square LLC's motion for summary judgment addressing the bona fide purchaser exception and Maryland Square LLC's motion for reconsideration.
- (3) If the Court elects to proceed with the Status Conference on February 13, 2014, the Parties request the option to appear at the Status Conference telephonically.

DATED: February 3, 2014

DONGELL LAWRENCE FINNEY LLP

By: /s/Thomas F. Vandenburg
Thomas F. Vandenburg
Attorneys for Defendants Maryland Square Shopping Center, LLC, the Herman Kishner Trust d/b/a Maryland Square Shopping Center, Irwin Kishner, Jerry Engel, and Bank of America, as Trustees for The Herman Kishner Trust

DATED: February 3, 2014

BENESCH FRIEDLANDER COPLAN &
ARONOFF, LLP

By: /s/Jeremy Gilman
Jeremy Gilman
Attorneys for Defendants Patricia Leibovici, in her capacity as Special Administrator of the Estate of Melvin Shapiro, Estate of Phillip Shapiro, and Shapiro Brothers Investment Co.

1 DATED: February 3, 2014

NEIL J. BELLER, LTD.

2
3 By: /s/Neil J. Beller
Neil J. Beller

4 *Attorneys for Defendants Patricia Leibovici, in her*
5 *capacity as Special Administrator of the Estate of*
6 *Melvin Shapiro, Estate of Phillip Shapiro, and*
Shapiro Brothers Investment Co.

7 DATED: February 3, 2014

LAWSON & WEITZEN, LLP

8
9 By: /s/Franklin H. Levy
Franklin H. Levy
10 *Attorneys for Defendant Maryland Square, LLC*

11 DATED: February 3, 2014

CATHERINE CORTEZ MASTO
Attorney General

12
13 By: /s/Wayne Klomp
14 Wayne Klomp
15 Deputy Attorney General
16 *Attorneys for Plaintiff State of Nevada, Division of*
17 *Environmental Protection*
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PROOF OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States of America, am over the age of 18 and not a party to the within action. My business address is 707 Wilshire Boulevard, 45th Floor, Los Angeles, CA 90017-3609. On February 3, 2014, I served a copy of the foregoing document described as follows:

SUPPLEMENTAL JOINT STATUS REPORT

served:

[X] Electronically in accordance with United States District Court of the District of Nevada Electronic Filing Procedures, Section IV Service, B. Electronic Service.

I declare that I am employed in the office of an attorney who has been admitted *pro hac vice* for the purpose of this case only to the bar of this court at whose direction the service was made.

Under penalty of perjury, I declare the aforesaid to be true and correct.

Executed on February 3, 2014.

By: /s/ Sheryl R. Douglas
Sheryl R. Douglas

1562-092/82051